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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,165	04/08/2004	Wilfried Rachse	H 5416 PCT/US	1267

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HENKEL CORPORATION  
THE TRIAD, SUITE 200  
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GULPH MILLS, PA 19406

EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/821,165

Applicant(s)

RAEHSE ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1 page.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Claim Objections*

1. Claims 40, 57-64 are objected to because of the following informalities:

- a) claim 40 lacks a period at the end of the claim;
- b) in claims 57 through 64, "mole" is misspelled.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-46, 55-73 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wysong (US Patent No. 4,155,971).

Wysong teaches cold water-soluble packaging films particularly useful for packaging pulverulent materials like cleaning products such as laundry detergents, bleaches, and caustic products (see col. 9, lines 14-37), wherein the films are preferably prepared by blow extrusion from a melt for a number of reasons, e.g. biaxial orientation can be achieved during the blowing process wherein the orientation toughens the film e.g., in impact strength and tear strength (see col. 7, lines 61-66). The composition for preparing the film consists essentially of (i) resin mixtures of 40 to 55 parts by weight of a low molecular weight polyvinyl alcohol having a degree of hydrolysis in the range between 85 and 90 mole percent, 25 to 60 parts by weight of a medium molecular weight polyvinyl alcohol having a degree of hydrolysis in the range between 85 and 90 mole percent and (ii) 10 to 30 parts of a polyethylene glycol per 100 parts of the resin mixture as a plasticizer therefore (see col. 3, line 61 to col. 4, line 33). Even though Wysong does not specifically disclose the recited deformation properties, recovery rate, crushing resistance, repetition of measurement of recovery rate, deformation work or crushing resistance having the recited percentage standard deviation, molecular weight and degree of polymerization of polyvinyl alcohol, it would be inherent in the packaging film of Wysong to exhibit the same properties because same water soluble polymers comprising polyvinyl alcohol having the same degree of hydrolysis have been utilized. Hence, Wysong anticipates the claims.

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6. Claims 1-48, 51-52, 55-72 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over GB 1,330,745.

GB '745 teaches polymeric films which are rapidly soluble in cold water and are used as packages for pulverulent materials like laundry detergents, bleaches and caustic cleaners (see page 1, lines 17-19, 62-65; page 3, lines 109-120). The films also exhibit sufficient strength and flexibility for fabrication into packages (see page 2, lines 84-89). The film which is 0.0005 to 0.010 inch thick (12.7 to 254 microns thick) comprises a mixture of (a) 10 to 75%, by weight of the film, of a polymer which has a weight average molecular weight greater than 120,000 and which is polyvinyl alcohol or polyvinyl pyrrolidone; and (b) 90 to 25%, by weight of the film, of a polymer which has a weight average molecular weight of less than 50,000 and which is polyvinyl alcohol or polyvinyl pyrrolidone provided that (a) and (b) are not of the same kind of polymers (see page 2, lines 9-27). Preferred film comprises 30 parts by weight polyvinyl pyrrolidone, 70 parts by weight polyvinyl alcohol having a weight average molecular weight of about 21,000 which is from 88 to 90 mole percent hydrolyzed polyvinyl acetate, and 10 to 15 parts by weight of glycerol or polyethylene glycol (see page 2, lines 28-37). Even though GB '745 does not specifically disclose the recited deformation properties, recovery rate, crushing resistance, repetition of measurement of recovery rate, deformation work or crushing resistance having the recited percentage standard deviation and degree of polymerization of polyvinyl alcohol, it would be inherent in the film of GB '745 to exhibit the same properties because same water soluble polymers comprising polyvinyl alcohol having the same molecular weight and degree of hydrolysis have been utilized. Hence, GB '745 anticipates the claims.

7. Claims 1-72 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Dehan (US Patent No. 4,886,615).

Dehan teaches unitary packages with non-aqueous liquid detergent compositions which are readily filled into a double wall sachet package having a water-insoluble, water permeable outer layer and a water-soluble or dispersible liquid impermeable protective inner layer (see col. 4, lines 1-8). Polyvinyl alcohol having a degree of hydrolysis of at least 60%, preferably 80 to 100%, such as 85 to 98% is preferably used as the water-soluble film or sheet for forming the water-soluble liquid impermeable inner bag of the sachet (see col. 5, lines 53-57). Other water-soluble films or sheets can also be used, for example, polyethylene oxide, methyl cellulose, gelatine and polyacrylic acid (see col. 5, lines 53-60). The film should have a suitable thickness of at least about 4 mil, preferably at least 10 mil (254 microns) up to about 100 mil, preferably up to about 50 mil (1270 microns) (see col. 5, line 64 to col. 6, line 4). For liquid detergent compositions to be acceptable for use with cold wash water, polyvinyl alcohol films with molecular weights from about 45,000 to about 75,000 are preferred (see col. 6, lines 17-22). ). Even though Dehan does not specifically disclose the recited deformation properties, recovery rate, crushing resistance, repetition of measurement of recovery rate, deformation work or crushing resistance having the recited percentage standard deviation and degree of polymerization of polyvinyl alcohol, it would be inherent in the film of Dehan to exhibit the same properties because same water soluble polymers comprising polyvinyl alcohol having the same molecular weight and degree of hydrolysis have been utilized. Hence, Dehan anticipates the claims.

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*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. The references are considered cumulative to or less material than those discussed above.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lorna M. Douyon  
Primary Examiner  
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